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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,500	09/26/2003	Erwin Behnen	ROC920030119US1	3743
7590	04/06/2005			
Intellectual Property Law Dept. IBM Corporation, Dept. 917 3605 Highway 52 North Rochester, MN 55901-7829				EXAMINER DINH, PAUL
				ART UNIT 2825
				PAPER NUMBER

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,500	BEHNEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Dinh	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

This final office action is a response to the amendment + remarks filed on 3/14/05. The remarks are not persuasive, the rejections based on the prior art of record Grodstein are retained, see the following details.

Claims 1-2 and 18 are pending

### *Claim Rejections - 35 USC § 102*

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless –*

*(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

Claims 1-2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Grodstein et al. (USP 5355321)

(Claims 1 and 18) a medium readable by a computer, the computer readable medium having computer program code (*see software model and computer (in abstract and claim 1), code description, algorithm, and routines (in fig 13), program (col 1 line 17), computer program (col 6 line 62)*) adapted to: receive a circuit design having a plurality of latches (fig 1, 8, 11, 15); and allow one or more latches of the circuit design to be locally treated as exhibiting latch transparency during modeling of the timing behavior of the circuit design (*col 8 lines 1-38, col 1 lines 46-62, col 2 lines 11-14, col 5 line 51 to col 6 line 4, col 12 lines 7-14*)

(Claim 2) wherein receiving the circuit design having a plurality of latches (fig 1, 8, 11, 15) comprises receiving a list of components and connections to the components (col 1 lines 28-42, col 3 line 2+, fig 1, 8, 11, 12b, 15, 17) included in an IC (col 1 lines 5-12, 43).

### Response to Applicants Remarks

The applicants state that:

Grodstein does not appear to show the claimed limitation “*allowing one or more latches of the circuit design to be locally treated as exhibiting latch transparency during modeling of the timing behavior of the circuit design*” in that (as specified in the applicant specification page 9) “*designer may easily add transparency to latches at a local level by specifying a delay value for the local clock that is coupled to the latches*”

Here is examiner answer:

First, it is noted that the feature upon which applicants rely on (i.e., *designer may easily add transparency to latches at a local level by specifying a delay value for the local clock that is coupled to the latches*) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, for the applicant information only, Grodstein fairly teaches and suggests the above limitation that the applicants rely on, according to one or more of the following teaching:

(Col 7 lines 51-57) “*Timing verifiers require users to specify the clock signals driving the circuit. To use the invention in NTV, the user specifies the characteristics of the composite clocking system. In the example of the previous paragraph, the user would specify a composite clock of twelve phases of 10 ns each*”.

(Col 9 lines 53-56) “*The user must specify timing information for these primary input nodes*”.

(Col 10 lines 15-19) “*The DFS walk will begin at one of the primary input nodes, in this case node .phi..sub.2F. The four transitions clocking latch L.sub.1 were specified by the user to occur at times .phi..sub.2 +0, .phi..sub.5 +0, .phi..sub.8 +0, and .phi..sub.11 +0. Assume the clock-to-data delay of the latches is zero*”

(Col 11 lines 61-65) “*during the time that the latch is transparent. The propagation delay of the latch is added to the arrival time, and a new arrival time value is computed by shifting the time base to the clock phase controlling the latch*”

### Conclusion

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Dinh whose telephone number is 571-272-1890. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Dinh  
Patent Examiner



VUTHE SIEK  
PRIMARY EXAMINER